IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12701 of 2004.

Between:

K.Sumathi Devi, W/o John Babu, aged 45 years, Captain (Retired), Indian Armed Force, Resident of Khammam.

... PETITIONER.

AND

The Director (P.A.W.), Singareni Colleries Limited,
Kothagudem, Khammam District.

...RESPONDENT.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction especially one in the nature of Writ of Mandamus declaring the action of the respondent in not releasing the advance increments to the Petitioner in terms of G.O.Ms.No.67 dated
20-03-1986 is illegal and arbitrary and discriminatory violative of Article 14 and 16 of the Constitution of India and further declare that the petitioner is entitled to be given the benefits of G.O.Ms.No.67 dated 20-3-1986.

Counsel for the Petitioner: MR.M.SURENDER RAO.

Counsel for the Respondent: MR.N.KRISHNA RAO.

The Court made the following:

ORDER:

The petitioner retired as Captain in Indian Army on 19-9-1983 by relinquishment. On 20-03-1986, the Government of Andhra Pradesh issued G.O.No.67, Finance and Planning (Finance-FR.II) Department dated 20-03-1986 regarding fixation of pay on Civil Posts on appointment to unreserved vacancies. The G.O. is made applicable with effect from
1-11-1984. The petitioner claims that he is entitled for the benefits of the said G.O. by way of advance increments. The petitioner appeared to have made several representations and issued legal notices on
23-12-2003 and 16-2-2004.

The grievance of the petitioner is that the respondent did not pass any orders on her representations and the legal notices regarding the applicability of the said G.O. and the benefits are expecting.

In the light of the circumstances explained by the petitioner, the respondent is directed to pass appropriate orders on the representations and the legal notices issued by the petitioner by observing whether she is entitled for the benefits of G.O.Ms.No.67 dated 20-3-1986, if so, to what extent, within two months from the date of receipt of a copy of this order and communicate the same to the petitioner.

The writ petition is, accordingly, disposed of.

16-8-2004

DVS/dsr

To

1. The Director (P.A.W.), Singareni Collieries Limited,
   Kothagudem, Khammam District.

2. Two CD copies.